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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,935

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Stefaan Penne

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23364 7590 10/26/2009

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EXAMINER

GRABOWSKI, KYLE ROBERT

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

10/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,935	Applicant(s) PENNE, STEFAAN	
	Examiner Kyle Grabowski	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sowden (US 4,364,737).

3. In respect to claims 1-3, Sowden discloses a method for binding a quire formed of folded sheet slipped into each other, comprising providing at least one cut through the sheets of the quire as of a short distance from the folding edge of the quire wherein every cut through a sheet of the quire defines a lip (formed from T-shaped section 7, Fig. 1) extending mainly crosswise from the folding edge of the quire (see Fig. 7); the lip is connected to the quire with its far end (formed by 20, which doesn't penetrate, Fig. 1) which is turned toward the folding edge and wherein the lip has a widening (formed by 19, Fig. 1) situated at a distance from the far end of the lip (Abstract).

4. In respect to claims 4-6, Sowden further discloses that the cut is provided slantingly in relation to the surface of the quires (i.e. the surface of the cut is diagonal at 41a, Fig. 7); the cut is realized by a profiled die 40 having a cutting portion 41, the

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profile die is only pushed partly through the quire (i.e. the non-cutting portion of the profiled die 40 does not penetrate the quire, Fig. 7).

5. In respect to claim 8, Swoden further discloses several cuts may be made by the device at the same distance from the folding edge (Fig. 6).

6. In respect to claim 9, Swoden further discloses the lips are pushed through, resulting in meshing under the bottom of the sheet (Col. 1, 55-62)

7. Claims 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Jewell (US 2,749,816).

8. In respect to claim 10, Jewell discloses a device for binding a quire comprising a table 18 and cutting means 11 enabled to make a cut in the different sheets to form a lip 29 (Col. 1, 50-Col. 2, 8, Fig. 4); the table is bowed in its transition from 18 to backpiece 17 (Fig. 1). Although Jewell does not disclose the quire being partially rolled up via the bowed piece while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). (MPEP 2114). The structure in Jewell is physically capable of rolling up the inserted quire (i.e. through additional pushing after contact with backpiece 17).

9. In respect to claims 11-13, the cutting edge 27 of the knife is turned towards the folding edge of the quire and is situated in an axial direction of movement at a larger distance from the table than an opposite edge of the knife; the table 18 also includes a recess 26B corresponding to the cut to be made (Fig. 2).

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10. In respect to claim 14, piece 16 may be construed as a stop for the quire, again although Jewell does not disclose using piece 16 as a stop for the quire, the structure is capable of performing this function.

Response to Arguments

11. Applicant's arguments with respect to claims 1-6 and 8-9 have been considered but are moot in view of the new ground(s) of rejection.

12. The examiner would like to clarify that Sowden disclosed a method for binding a quire in that by folding the sheets together, a quire was formed, further extending the tab through the sheets was construed to be the binding of the quire; the term "rolled up" is being construed as a noun (i.e. the quire was formed by rolling up the edge of the sheets before the cut was preformed). Quire: a section of printed leaves in proper sequence after folding; gathering. (www.dictionary.com, first definition under bookbinding).

13. Applicant's arguments with respect to claims 10-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle Grabowski whose telephone number is (571)270-3518. The examiner can normally be reached on Monday-Thursday, every other Friday.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571)272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyle Grabowski/
Examiner, Art Unit 3725

/Dana Ross/
Supervisory Patent Examiner, Art
Unit 3725